

Physician Assistant Committee

MINUTES

August 14, 2008

**2005 Evergreen Street, Suite 1150 – Public Meeting
Lake Tahoe Room 1290A – Strategic Planning Session
Sacramento, CA 95815**

8:30 a.m. – 5:00 p.m.

1. Call to Order by Chairman

Chairman Sachs called the meeting to order at 8:40 a.m.

2. Roll Call

Staff called the roll. The chair noted that a quorum was present.

Committee Members Present: Robert Sachs, PA
Cristina Gomez-Vidal Diaz
Steve Klompus, PA
Shaquawn D. Schasa
Shelia Young
Reginald Low, M.D.

Committee Members Absent: Rosslynn Byous, PA

Staff Present: Elberta Portman, Executive Officer
Kurt Heppler, Staff Counsel, Dept. of Consumer Affairs
Dianne Tincher, Enforcement Analyst
Glenn Mitchell, Regulation and Lead Licensing Analyst
Lynn Forsyth, Analyst
Linda Bronson, Licensing MST

3. Approval of Minutes of May 1, 2008 meeting

The May 1, 2008 minutes were approved with no changes.
(m/Low, s/Young, c/all)

4. **Reports**

a. Chair's Report

Mr. Sachs reported that Assembly Bill 2482 (Maze & Bass) for continuing medical education was signed by the Governor and will become effective January 1, 2009. Mr. Sachs stated that the Physician Assistant Committee (Committee) staff would form a work group and start preliminary development of regulations to carry out provisions of this bill.

Mr. Sachs reported that the AB 3 (Bass) regulation package is currently at the Department of Consumer Affairs for review. Upon approval from the Department of Consumer Affairs the regulatory package will be submitted to the Office of Administrative Law for their review and approval.

Mr. Sachs reported that due to the lack of a signed budget, it was necessary to terminate the four retired annuitants that are used for probation monitoring. However, an exemption was filed with the Department of Consumer Affairs to retain those positions on the basis of public safety. As a result, two of the positions were approved for retention. Until the budget is signed, the Enforcement Coordinator, Dianne Tincher, will monitor some probation cases, with the two probation monitors working on the majority of cases. The Diversion contract has not been affected by the lack of the signed budget and the Diversion Program will operate as usual during this time.

Mr. Sachs has been invited to speak at the Annual California Academy of Physician Assistants (CAPA) Conference in Palm Springs. Mr. Sachs noted that CAPA plans to offer an approved controlled education course at the Conference to comply with the requirements of AB 3.

b. Executive Officer's Report

Ms. Portman reported that the PAC website has been redesigned and new enhancements have been added in order to continue meeting the needs of consumers, applicants, licensees and interested others. The website address has also been simplified to www.pac.ca.gov. Ms Portman also informed the committee that there is a new link, entitled "the California Medical Volunteers Project". This program will allow a PA to register in order to volunteer to provide medical services during declared disasters.

Ms. Portman reported that the Medical Board would no longer publish the disciplinary Hot Sheet. In order to provide the discipline information to consumers, the PAC staff will send out the information to those individuals who are signed up on the e-mail subscription list. Additionally, the information will be placed on the website quarterly.

Ms Portman reported that the plastic pocket license testing is on schedule and actual production should start in October. The phase-in for the project will be that renewals and new licensees will receive plastic licenses, so that the entire PA population will receive new plastic licenses within two years, depending on their individual renewal date.

Linda Bronson, our half time licensing MST, was offered and accepted our new half time MST position. She will begin working full time September 1. Ms. Bronson will be developing and implementing the committee's controlled substances drug courses.

Ms. Portman reported that for the past few years costs associated with the Office of the Attorney General have increased, so a Budget Change Proposal for \$50,000 has been developed to augment the increased costs.

Ms. Portman stated that the Delegation of Services Agreement Regulation change (1399.540) became effective on August 7, 2008. She will develop and submit an article regarding this regulation on the website and in the Medical Board's Newsletter.

Ms. Portman has acquired a small room next to the office for use as an interview room for the probation monitors. This space will allow probation monitors and staff to conduct meetings and interviews in a more private atmosphere.

c. Licensing Program - activity report

Ms. Bronson stated that between March 1, 2008 and July 1, 2008, 152 licenses were issued and 14 interim approvals were issued. As of August 1, 2008, 6,853 licenses have been issued, with a total of 156 approved training programs.

d. Diversion Program - activity report

As of July 1, 2008, The Diversion Program has 14 participants, 4 of whom are voluntary participants and 10 are Committee referrals. There have been 75 participants since the implementation of the Diversion Program.

e. Enforcement Program - activity report

Ms. Tinchler reported that between July 1, 2007 and June 30, 2008, there were 57 complaints pending, 39 pending investigations, 41 current probationers and 27 pending cases at the Office of the Attorney General.

5. 9:30 AM – Hearing Petition for reinstatement of physician assistant license of Grant King

The members moved into closed session to deliberate on this matter at 9:30 a.m. and returned to open session at 10:15 a.m.

6. AB 3 Implementation Update

The AB 3 regulations are currently at the Department of Consumer Affairs. The regulations were reviewed and approved by both the budget and legal offices and are now at the Executive Office. Once approved, they will be sent to the State and Consumer Services Agency and then returned to the staff before being sent to the Office of Administrative Law.

CAPA is planning on conducting meetings in Southern California and also in the Napa area in February 2009 offering approved controlled substance education courses relative to AB 3.

7. CME Legislative Update – AB 2482 (Maze & Bass)

a. Discussion of Possible Development of Regulations Regarding CME to Implement the Provisions of AB 2482

Committee Member Klompus reported that AB 2482 (Maze & Bass) was passed and signed without delay. Now, the Committee will develop regulations to implement provisions of AB 2482. As was done previously, the Committee will form a working group to include representatives from the California Medical Association, CAPA, Medical Board and any and all interested parties to join in developing the regulations. Some items the group will consider include the timing and mechanisms for requiring continuing education, approval of the entities providing the courses, determining which category of continuing medical education will be accepted, and auditing for compliance.

Chairman Sachs appointed Steve Klompus, Shelia Young, Rosslynn Byous to the work group and Bob Miller of CAPA was also named. All task force meetings will be publicly noticed.

A motion was made to implement the regulations.
(m/Klompus, s/Young, c/all)

8. Report on Pending Legislation of Interest to the Committee

Chairman Sachs reported on the status of bills AB 638, SB 963, SB 1125, SB 1526, SB 1779, and SB 1441, noting that the Department of Consumer Affairs' omnibus bill included amendments that will eliminate the Committee's interim approval for physician assistants.

9. Update on Legislative Proposal to Repeal Interim Approval for Physician Assistant Applicants (Heppler/Portman)

Mr. Heppler noted that SB 1779 included language to eliminate provisions of the PA Practice Act related to interim approval for PAs.

10. Approval of Letter to Supervising Physicians Requiring Supervision of PAs

Ms. Portman reported that at the May 1, 2008 meeting, the letter to PA training programs and the Medical Board regarding supervising physician assistants was brought before the Committee. The Committee requested that a change to the letter be made to add the language “The physician assistant regulations require a physician to delegate in writing for each supervised physician assistant those medical services which the physician assistant may provide. You may obtain a sample copy of the documents by visiting our website”.

A motion was made to accept the letter with changes.
(m/Gomez-Vidal Diaz, s/Klompus)

After the motion was made, Mr. Heppler mentioned a suggestion he received from CAPA to add a phrase to the letter to indicate that a supervising physician may specify what percentage of countersignature would work best for their particular situation. Committee Member Klompus suggested that at the end of bullet number three add the words “for a scheduled drug”.

A motion was made to include in the third bullet for a scheduled drug at the end of the sentence and at the end of the second bullet add may specify countersignature percentage.

(m/Gomez-Vidal Diaz, s/Klompus, c/all)

11. Status of Research and Recommendations on Period of Retention of Delegation of Services Agreement by Physician Assistants and Supervising Physicians

Mr. Heppler gave a brief update on the Delegation of Services Agreement (DSA) survey. He stated that the initial purpose of the survey was to find out how many PAs were keeping their DSA's and for how long. The survey also sought to determine the current retention practices for hospitals and clinics. Mr. Heppler stated that the main purpose of the survey was to possibly explore a need for a regulatory change with regard to a time frame for retention of this document.

Ms. Portman informed the Committee that 300 surveys were mailed to a random selection of physician assistants throughout California and that 113 completed surveys were returned. 80 surveys were mailed out to hospitals and clinics and 23 completed surveys were returned. In analyzing the data, Ms. Portman reported that in regard to the physician assistants, the data indicates that the physician assistants do not usually keep their DSA with them at all times, but that a copy of the DSA is available in the place of employment. Additionally, a majority of the survey participants felt that the DSA should only be retained during the time it is current.

Ms. Portman was directed to draft a news article indicating that it is recommended that the physician assistant retain their DSA for 1 – 3 years. CAPA plans to include article in an upcoming newsletter.

12. Presentation on Voluntary Self-Assessment Jurisprudence Examination on Website

Chairman Sachs introduced Sonja Merold and Nancy Linn from the Examination Resources Unit of the Department of Consumer Affairs. Ms. Merold reported that her staff will assist the Committee in developing an on-line self-assessment jurisprudence examination for the website. The development portion of the project will include having physician assistant license subject matter experts work with the Examination Resources Unit staff to review and validate multiple choice test items to test knowledge of the PA laws and regulations. Chairman Sachs instructed the Executive Officer and staff to move forward to begin the process of creating the exam questions and submitting them to the Examination Resources Unit so that the examination could be finalized and available for review at the CAPA Conference.

13. Consideration of Revising the Policy for Committee Voting On Disciplinary Matters

Ms. Portman reported that on May 7, 2007, the mail ballot policy was modified to allow that if two or more members whose vote indicates anything other than adopt, the case will then be held for review at the next meeting.

Ms. Portman reported that additional changes to the policy would be to add the language, "When you are considering any enforcement action by mail ballot, the votes would be received by the established due date". Ms. Portman added that the normal due date for response is two weeks. This change will ensure that disciplinary discussions are processed in a timely manner

A motion was given by Dr. Low to accept the revised wording and a second was received by Committee member Klompus.

(m/Low, s/Klompus, c/all)

14. Professionals Achieving Consumer Trust Summit, November 19th & 20th, 2008

Chairman Sachs conducted a brief discussion regarding the Consumer Trust Summit being conducted November 19th and 20th by the Department of Consumer Affairs. According to the agenda, the board meetings are to be held Tuesday, Thursday and Friday of that week, with various seminars to be held on Wednesday. Chairman Sachs suggested that if members have not registered for the Conference, they should do as soon as possible. The PAC's Committee meeting will be held on Thursday, November 20, 2008.

15. Items for Next Meeting

- A. AB3: Status
- B. Draft CME Regulation Conceptual language
- C. Voluntary Self-Assessment Jurisprudence Examination: Status
- D. Education articles about DSA retention
- E. Election of Officers
- F. Closed Session Items
- G. Establish 2009 Meeting Dates and Locations
- H. Executive Officer Evaluation
- I. Passing exam scores and exam dates for 2009

16. Public Comment on Items Not On The Agenda

Gaye Breyman from California Academy of Physician Assistants (CAPA) reported that the CAPA Conference would be held on October 2-5, 2008 in Palm Springs.

No other public comment was presented.

17. CLOSED SESSION: Pursuant to Section 11126(c) (3) of the Government Code, the Committee will move into closed session to deliberate on disciplinary matters

18. Adjournment

Meeting adjourned at 11:30 A.M.

Strategic Planning Session

A Strategic Planning Session was held at 1:00. It was conducted by Cindy Kanemoto and Tanela Bryant of the Department of Consumer Affairs, Strategic Organization, Leadership and Individual Development (SOLID). The members and staff discussed, evaluated and developed a new mission statement for the committee. The new mission statement was finalized by the close of the session and reads: "The mission of the Physician Assistant Committee is to protect and serve consumers through licensing, education and objective enforcement of the Physician Assistant laws and regulations".

The next meeting of strategic planning will be held in conjunction with the committee's February 2009 meeting. Other topics to be discussed at future strategic planning sessions include: 1) identification/development and strategic issues, 2) development of a five year strategic plan, and 3) goals and objectives.